

## United States District Court

EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

DAVID ROSS BROOKS, #2304131

v.

MICHAEL KELLY

§

§

Civil Action No. 4:19-CV-918

§

(Judge Jordan/Judge Nowak)

§

§


### **MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On April 20, 2020, the report of the Magistrate Judge (Dkt. #13) was entered, containing proposed findings of fact and recommendations that this case be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

It is, therefore, **ORDERED** that this case is **DISMISSED WITHOUT PREJUDICE**.

**So ORDERED and SIGNED this 14th day of May, 2020.**

  
SEAN D. JORDAN  
UNITED STATES DISTRICT JUDGE